

On November 27, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of, among others, 100 rabbits at Chicago, Ill. It was alleged in the libel that the said 100 rabbits had been shipped by Logan & Ammon, from Rutledge, Mo., November 18, 1931, that they had been transported from the State of Missouri into the State of Illinois, and that they were adulterated in violation of the food and drugs act.

Adulteration of the article was charged in that it consisted in part of a decomposed animal substance.

On January 11, 1932, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19269. Adulteration of canned prunes. U. S. v. 190 Cases of Canned Prunes. Default decree of destruction. (F. & D. No. 26023. I. S. No. 24930. S. No. 4314.)

Samples of canned prunes from the shipment herein described having been found to be partly decomposed, the Secretary of Agriculture reported the matter to the United States attorney for the District of Minnesota.

On March 13, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 190 cases of canned prunes, remaining in the original unbroken packages at St. Paul, Minn., alleging that the article had been shipped on or about October 11, 1930, by Paulus Bros. Packing Co., from Salem, Oreg., and had been transported in interstate commerce from the State of Oregon into the State of Minnesota, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Cans) "Brookland Fresh Oregon Prunes Packed in Water * * * Select Pacific Coast Fruits Paulus Bros. Packing Co. Salem Oregon U. S. A."

It was alleged in the libel that the article was adulterated in that the product consisted partly of a decomposed vegetable substance.

On November 16, 1931, no claimant having appeared, judgment was entered by the court ordering that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19270. Adulteration of barley mixed oats. U. S. v. 250 Sacks of Barley Mixed Oats, et al. Default decrees of condemnation and sale. (F. & D. Nos. 26277, 26278. I. S. Nos. 26531, 26534. S. No. 4624.)

Samples of barley mixed oats from the shipments herein described having been found to contain added water, the Secretary of Agriculture reported the matter to the United States attorney for the Eastern District of Arkansas.

On April 23, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of 500 sacks of barley mixed oats, in part at Haynes, Ark., and in part at Forrest City, Ark., alleging that the article had been shipped on or about April 10, 1931, and April 11, 1931, by Embrey E. Anderson, from Memphis, Tenn., and had been transported from the State of Tennessee into the State of Arkansas, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Barley Mixed Oats."

It was alleged in the libels that the article was adulterated in that added water had been mixed and packed with and substituted in part for the said product, thereby lowering and injuriously affecting its quality.

On October 5, 1931, no claimant having appeared for the property, judgments of condemnation were entered, and it was ordered by the court that the product be sold by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19271. Adulteration and misbranding of tomato catsup. U. S. v. 400 Cases of Tomato Catsup. Default decree of destruction entered. (F. & D. No. 26991. I. S. No. 35425. S. No. 5211.)

Examination of samples of tomato catsup from the shipment herein described showed that the articles contained excessive mold and that the quantity of the contents was not plainly and conspicuously marked on the cans containing the article.

On September 24, 1931, the United States attorney for the District of Minnesota, acting upon the report by the Secretary of Agriculture, filed in

the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 400 cases of tomato catsup, remaining in the original unbroken packages at St. Paul, Minn., alleging that the article had been shipped by the Wm. Craig Canning Co., from Ogden, Utah, on or about September 28, 1930, and had been transported from the State of Utah into the State of Minnesota, and charging adulteration and misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Can) "Royal Brand Tomato Catsup." Two statements of weight appeared on the label, the statement, "Contents 12 oz. Net," printed on the original label being over stamped by the words "Contents 6 lbs. 6 oz." This latter statement was not plain and conspicuous, nor was the former obliterated. It was alleged in the libel that the article was adulterated in that it consisted in part of a decomposed vegetable substance.

Misbranding was alleged for the reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the package bore two conflicting statements.

On December 23, 1931, no claimant having appeared for the property, judgment was entered ordering that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19272. Misbranding of canned sardines. U. S. v. 4 Cases and 88 Tins of Canned Sardines. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 27271. I. S. No. 34087. S. No. 5448.)

Sample cans of sardines taken from the import shipment herein described having been found to be short of the declared weight, the Secretary of Agriculture reported the matter to the United States attorney for the Eastern District of New York.

On November 23, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 4 cases and 88 tins of canned sardines, remaining unsold in the original packages at Brooklyn, N. Y., the said article being a part of an import shipment entered at the port of New York on or about October 14, 1931, and reshipped to Brooklyn, N. Y. It was alleged in the libel that the article had been shipped in foreign commerce from Portugal, that it had been received in the borough of Brooklyn, N. Y., on or about November 1, 1931, and that it was misbranded in violation of the food and drugs act as amended. The article was labeled in part: (Can) "Portuguese Skinless and Boneless Sardines in Olive Oil Titbit Brand Net Contents 8 Oz. Extra Quality [embossed on can] Importe du Portugal Packed in Portugal."

Misbranding was alleged in the libel for the reason that the statement "Net Contents 8 Oz." was false and misleading and deceived and misled the purchaser, since the said statement represented that the cans contained not less than 8 ounces net of the said article, whereas they did not contain the amount so represented but did contain a less amount. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the cans contained less than represented.

On January 22, 1932, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19273. Adulteration of canned sardines. U. S. v. 19 Cases of Canned Sardines. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 27023. I. S. No. 35739. S. No. 5256.)

The canned sardines in the shipment herein described having been found to be diseased and unfit for food, the Secretary of Agriculture reported the matter to the United States attorney for the Western District of Oklahoma.

On or about October 5, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 19 cases of canned sardines at Lawton, Okla., consigned by Connors Bros. (Ltd.), alleging that the article had been shipped on or about June 19, 1931, in interstate commerce from Boston, Mass., into the State of Oklahoma, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Can) "Brunswick Brand Canadian Sardines in Oil Packed By Connors Bros., Ltd., Black's Harbour, N. B., Canada."